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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 NEIL A. MCGINNIS,

8 Plaintiff,

9 v.

10 STEVEN TUCKER and JAY INSLEY,

11 Defendants.

NO: CV-13-189-RMP

ORDER DENYING *IN FORMA*
PAUPERIS STATUS AND
DISMISSING ACTION

12 By Order filed June 7, 2013, the Court directed Plaintiff, Neil A. McGinnis,
13 a prisoner at the Airway Heights Corrections Center, to show cause why he should
14 not be precluded from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g),
15 ECF No. 2. On June 27, 2013, Plaintiff filed a 28 page document which was
16 liberally construed as a "Response" to the Order to show cause, ECF No. 3. On
17 July 9, 2013, he submitted a seven-page document titled, "Plaintiff's Filing of
18 Federal C.P. Rule 12 'Objections,'" ECF No. 4. The Court also received a "Public
19 Records Request for the Effective Operation of Service," which was addressed to
20 the Court of Appeals of the State of Washington, on July 10, 2013. ECF No. 5.

ORDER DENYING *IN FORMA PAUPERIS* STATUS AND DISMISSING
ACTION --1

1 After reviewing these documents, the Court finds that none is responsive to the
2 Order to Show Cause.

3 As a prisoner, Plaintiff has filed more than three prior cases which were
4 dismissed as frivolous, malicious, or were dismissed for failure to state a claim
5 upon which relief may be granted.¹ Mr. McGinnis does not refute these findings.

6 The Court noted in the prior Order that Plaintiff's initial complaint consisted
7 of 53 indecipherable pages of random thoughts, excerpts from the media, court
8 rulings, and correspondence. He presented no clear statement of facts showing he

9 ¹District of Wyoming cause numbers 10-CV-00200-WFD (dismissed as frivolous
10 on December 7, 2010, and affirmed by the Tenth Circuit Court of Appeals, No. 10-
11 8114) and 08-CV-02-B (dismissed for failure to state a claim upon which relief can
12 be granted on February 24, 2009, with no appeal pursued); and Eastern District of
13 Washington cause numbers CV-11-404-EFS, *McGinnis v. State of Washington, et*
14 *al.*(dismissed as frivolous on February 7, 2012, *in forma pauperis* status denied on
15 appeal, No. 12-35206, as appeal was found to be frivolous, mandate was issued
16 July 12, 2012), and CV-12-353-RMP, *McGinnis v. McGrath, et al.*(dismissed for
17 failure to state a claim on September 17, 2012, *in forma pauperis* status denied on
18 appeal, No. 13-35061, as appeal was found to be frivolous, mandate was issued
19 April 25, 2013).

1 was entitled to relief and the Court could discern no facts indicating Mr. McGinnis
2 was under imminent danger of serious physical injury, which would excuse the
3 preclusive effects of 28 U.S.C. § 1915(g). To the extent Plaintiff is now asserting
4 "Mail Fraud," economic hardships, and seeking his immediate release, he has not
5 shown cause to allow him to proceed *in forma pauperis*.

6 In the alternative, Plaintiff was directed to pay the \$400.00 fee to commence
7 this action (\$350.00 filing fee, plus \$50.00 administration fee) under 28 U.S.C. §
8 1914. He did not do so. Therefore,

9 **IT IS ORDERED:**

- 10 1. Any application to proceed *in forma pauperis* is **DENIED** in this
11 action as precluded by 28 U.S.C. § 1915(g).
12 2. This action is **DISMISSED** for failure to comply with the filing fee
13 requirements of 28 U.S.C. § 1914.

14 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
15 Order, enter judgment, forward copies to Plaintiff at his last known address and
16 **close** the file.

17 **DATED** this 25th day of July 2013.

18
19 s/ Rosanna Malouf Peterson
20 ROSANNA MALOUF PETERSON
Chief United States District Court Judge